

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

D'ANDRE ALEXANDER,

Plaintiff,

v.

Case No. 2:16-cv-13293

District Judge Mark A. Goldsmith
Magistrate Judge Anthony P. Patti

NICHOLAS CALZETTA, *et al.*

Defendants.

/

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S JULY 5, 2017
MOTION FOR CASE MANAGEMENT ORDER (DE 49)**

D'Andre Alexander (#731077) is currently incarcerated at the MDOC's Richard A. Handlon Correctional Facility (MTU) in Ionia, Michigan. *See* www.michigan.gov/corrections, "Offender Search." On September 8, 2016, while incarcerated at Macomb Correctional Facility (MRF), Alexander filed the instant lawsuit against 18 defendants. The facts underlying Plaintiff's complaint span the period from February 2, 2015, when Plaintiff was incarcerated at MBP, through February 2016, when Plaintiff was incarcerated at WCC. (DE 1 at 2 ¶ 4, DE 1 at 3-7 ¶¶ 13-48.)

This case has been referred to me for all pretrial matters. There are multiple motions pending, including Plaintiff's July 5, 2017 "motion for case management order." (DE 49.) Upon consideration, this motion is **DENIED WITHOUT**

PREJUDICE. First, the Court suspects that Plaintiff's authority for this request is Fed. R. Civ. P. 16(b) ("Scheduling."). However, the Local Rules of this Court provide, in part, that "all actions in which one of the parties appears *pro se* and is incarcerated[]" *shall be* "exempted from the requirements of Fed. R. Civ. P. 16(b), unless otherwise ordered by the Judge to whom the action or proceeding is assigned[.]" E.D. Mich. LR 16.1(e)(1). Second, as to those Defendants who have appeared, each has filed a dispositive motion:

- On June 27, 2017, the fifteen state defendants filed a motion for summary judgment. (DE 46.) Plaintiff's response was due August 18, 2017 (DE 48); however, Plaintiff has filed a motion to stay summary judgment (DE 51).
- Defendant Meden filed a motion for summary judgment on July 11, 2017. (DE 53; *see also* DE 54.) Plaintiff's response was due on August 17, 2017 (DE 57). Here, too, Plaintiff has filed a motion to stay summary judgment. (DE 58.)¹

Third, service of process as to the two defendants who have yet to appear – Haad and Rosen – is ongoing. Nonetheless, Plaintiff may renew his request if his case survives initial dispositive motion practice, such as defense motions to dismiss or motions for summary judgment.

¹ In addition, Plaintiff has filed a motion for expedited consideration of his motions to stay summary judgment (DE 63) and a motion for enlargement of time to respond to the motions for summary judgment (DE 64), should the Court deny Plaintiff's motions to stay (DEs 51, 58).

IT IS SO ORDERED.

Dated: October 2, 2017

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on October 2, 2017, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti